



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,437	02/14/2001	Joseph Ward	75275B/PRC	1648

7590 08/03/2004

Thomas H. Close
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

EXAMINER

HO, TUAN V

ART UNIT	PAPER NUMBER
----------	--------------

2615

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/783,437

Applicant(s)

WARD ET AL.

Examiner

Tuan V Ho

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 13-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-21 is/are rejected.
- 7) ☒ Claim(s) 3 and 22-25 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 2615

1. Claim 2 is objected to because of the following informalities: the term "the removable memory card", line 2 should read as a removable memory card. Appropriate correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Allen et al (US 5,737,491).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application

Art Unit: 2615

and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

With regard to claim 1, Allen discloses in Fig. 1, a digital camera that comprises the sensor (image sensor 14, col. 2, line 36), first memory (memory 22), second memory for storing a network configuration file (input device 27 is used to provide electronic address or file name to camera 10 in order to send an image to a selected destination; thus, digital camera 10 must inherently include a second memory portion located in memory 22 to store the address or file name and thereby to send an image data to a selected destination such as image fulfillment server 34, col. 2, lines 65-67 and col. 3, lines 1-4), communication interface (wireless transceiver 32, col. 2, line 49), means for loading the network configuration file (external input device 27 working in combination with microprocessor 20 loads electronic addressor file name into a second memory), and user interface (input device 27 selects an electronic address or file name and thereby to send an image to a selected destination via transceiver 22).

With regard to claim 8, Allen et al disclose the communication interface that is located internal to the

Art Unit: 2615

camera (Wireless transceiver 32 is located inside camera 10 as shown in Fig. 1).

With regard to claim 9, claim 9 recites what was discussed with respect to claim 1. Noted that a user can controls external input device 27 to input different electronic addresses that can be used to send an image to different destinations as desired.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al in view of Hiyashi et al (US 5,434,618).

With regard to claim 2, Allen discloses the same subject matter as discussed with respect to claim 1, except that both first and second memories are memory locations on the same removable memory card.

Art Unit: 2615

Allen et al does not explicitly disclose any removable memory card. However, Hiyashi et al teaches using a removable memory card in an electronic camera (col. so as easily and quickly to replace the memory card and thereby to improve the versatility of the camera.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the memory 22 of Allen et al with the removable memory card of Hiyashi et al so as to store image data and electronic address in the same memory card and thereby easily to replace the card as needed.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al.

Art Unit: 2615

With regard to claims 4, 5, 6, 7 and 8, Allen et al discloses the same subject matter discussed with respect to claims 4, 5, 6, 7 and 8, except that the communication interface connects to PSTN, ISDN, RF cellular phone network or data network such as Ethernet.

Allen et al does not disclose any the communication interface connecting to PSTN, ISDN, RF cellular phone network or data network such as Ethernet. However, Official Notice is taken that communication interface connects to PSTN, ISDN, RF cellular phone network or data network such as Ethernet.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the transceiver 32 of Allen et al so as to connect the transceiver to PSTN, ISDN, RF cellular phone network or data network such as Ethernet. This is because the connection of the transceiver to PSTN, ISDN, RF cellular phone network or data network such as Ethernet would allow a user to have more choices in image transmission and thereby to improve the efficiency of the Allen camera.

With regard to claim 10, Allen et al discloses the same subject matter discussed with respect to claim 9,

Art Unit: 2615

except that the user interface displays a plurality of descriptive icons representative of the plurality of destinations and selection is made by reference to at least one of the icons.

Allen dose not explicitly disclose any plurality of descriptive icons representative of the plurality of destinations and selection being made by reference to at least one of the icons. However, Official Notice is taken for the user interface displays a plurality of descriptive icons representative of the plurality of destinations and selection is made by reference to at least one of the icons.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the external input device of Allen et al so as to obtain a user interface that displays a plurality of descriptive icons representative of the plurality of destinations and selection is made by reference to at least one of the icons because the display with a plurality of icons would allow a user to easily select an electronic address or file name by clicking at the icons and thereby to improve the camera efficiency.

Art Unit: 2615

5. Claims 4-8, 10, 13, 14 and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al in view of Hull et al (US 5,806,005).

With regard to claim 13 and 14, Allen discloses the same subject matter as discussed with respect to claim 1, except that the network configuration file including a protocol type specifying a TCP/IP.

Hull et al discloses a still video camera 20 that can transmit image data by using network configuration file including a protocol type such as a TCP/IP, col. 2, lines 1-5 and col. 2, lines 38-47.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the network configuration file of Allen et al with the same fashion as discussed by Hull et al so as to obtain the network configuration file including a protocol type such as TCP/IP because the network configuration file including a protocol type such as TCP/IP would allow a user to easily to connect to a network and thereby to provide a user more choices to send image data to a desired destination.

With regard to claims 15-21, Allen et al in view of Hull et al does not explicitly disclose any account data,

Art Unit: 2615

Internet account data, charge number data, billing address, password, Internet Service Provider and information to enable connection to an identified Internet Provider.

However, Official Notice is taken that network configuration file including account data, Internet account data, charge number data, billing address, password, Internet Service Provider and information to enable connection to an identified Internet Provider.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the network configuration file of Allen et al in view of Hull et al with the network configuration file including account data, Internet account data, charge number data, billing address, password, Internet Service Provider and information to enable connection to an identified Internet Provider because the network configuration file including account data, Internet account data, charge number data, billing address, password, Internet Service Provider and information to enable connection to an identified Internet Provider would provide a user to purchase an image service such as printing over the Internet via a Network Service Provider by using a password.

Art Unit: 2615

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 3 and 22-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Savitzky et al discloses a digital camera that includes a removable memory card.


Art Unit: 2615

Gerszberg et al discloses a videophone that includes network transmission.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (703) 305-4943. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen, can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



TUAN HO

Primary Examiner

Art Unit 2615